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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 FERNANDO MORALES AGUILAR,

1:12-cv-00884 DLB (PC)

12 Plaintiff,

13 v.

ORDER TRANSFERRING CASE TO THE  
CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA,

16 Defendants.  
17 \_\_\_\_\_/

18 Plaintiff is a federal prisoner proceeding pro se and in forma pauperis in a civil rights action  
19 pursuant to *Bivens vs. Six Unknown Agents*, 403 U.S. 388 (1971).

20 The federal venue statute requires that a civil action, other than one based on diversity  
21 jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants  
22 reside in the same state, (2) a judicial district in which a substantial part of the events or omissions  
23 giving rise to the claim occurred, or a substantial part of the property that is the subject of the action  
24 is situated, or (3) a judicial district in which any defendant may be found, if there is no district in  
25 which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

26 In this case, none of the defendants reside in this district. The claim arose in Santa Barbara  
27 County, which is in the Central District of California. Though Plaintiff lists this Court as a  
28 Defendant, Plaintiff fails to allege any facts that would indicate venue is proper here. Plaintiff’s

1 allegations consist of seeking release from incarceration. Plaintiff is currently incarcerated at the  
2 United States Penitentiary in Lompoc, California. Therefore, Plaintiff's claim should have been filed  
3 in the United States District Court for the Central District of California. In the interest of justice, a  
4 federal court may transfer a complaint filed in the wrong district to the correct district. *See* 28  
5 U.S.C. § 1406(a); *Starnes v. McGuire*, 512 F.2d 918, 932 (D.C. Cir. 1974).

6 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States  
7 District Court for the Central District of California.

8 IT IS SO ORDERED.

9 **Dated: October 1, 2012**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE